

CHAPTER 3.16 EXCEPTED FROM:

Ely Proposed Resource Management Plan/Final Environmental Impact Statement



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COOPERATING AGENCIES:

Great Basin National Park
Humboldt-Toiyabe National Forest
Nellis Air Force Base
Nevada Department of Transportation
Nevada Division of Minerals
Nevada Department of Wildlife
Nevada State Historic Preservation Office

Lincoln County
Nye County
White Pine County
Duckwater Shoshone Tribe
Ely Shoshone Tribe
Moapa Band of Paiutes
Yomba Shoshone Tribe



BLM

Ely Field Office / Nevada

3.16 Livestock Grazing

Prior to 1934, grazing of public lands outside forest perimeters was managed by the General Land Office. Comprehensive management of these lands was initiated in 1934 when Congress passed the Taylor Grazing Act. The Grazing Service was established and charged with implementation of the Act. Specific tasks included establishment of a permit system, organization of grazing districts, fee assessment, and consultation with local advisory boards. The Ely Grazing District (No. 4) was established November 3, 1936. In 1946, the Grazing Service was combined with the General Land Office to create the BLM.

In the late 1960s and early 1970s, a shift in public attitude regarding the use of public land emerged. Congress passed the NEPA in 1969, directing land managers to address the environmental consequences of activities on federal lands. As a result of the NEPA and the Natural Resources Defense Council v. BLM decision in 1973, EISs were prepared for every resource area administered by the BLM. The purpose of these EISs was to address the status of grazing and to develop a solution to meet long term goals of grazing on public land.

In 1976, Congress passed the Federal Land Policy Management Act. This act requires that public domain lands be managed for multiple use. It also reaffirmed BLM's authority to reduce livestock numbers if necessary. Perhaps most importantly, it provided for the preparation of Allotment Management Plans in consultation, coordination, and cooperation with permittees for each grazing permit. The Public Rangeland Improvement Act, passed by Congress in 1978, established a grazing fee formula that sets and adjusts annual fees for grazing on public domain land.

In 1986, a national management approach was initiated with the goal of monitoring the long term and short term effects of grazing. The objective of monitoring was to provide a long term database that would allow for the identification of specific problem areas, and the definition of management actions necessary to correct those problems. The method implemented was an "allotment evaluation" process with a 3- to 5-year data compilation interval. In 1984, a Nevada Range Studies Task Group developed and released the Nevada Rangeland Monitoring Handbook to serve as a technical guide in the monitoring process.

In August of 1995, new regulations were enacted that changed methods and administrative procedures used by the BLM in its management of public lands. Commonly referred to as Range Reform '94, these regulations directed the establishment of Rangeland Health standards and guidelines to "achieve properly functioning ecological systems for both upland and riparian areas." Rangeland Health standards and guidelines for the Mojave-Southern Great Basin and Northeastern Great Basin regions were adopted and approved by the Secretary of the Interior on February 12, 1997.

The Adjudication Period (Early to Mid 1960s)

The "adjudication" of BLM grazing permits occurred over a period of approximately 15 years, from the mid 1950s through the late 1960s. The planning area had largely completed this process by the mid 1960s.

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Adjudication consisted of establishing the extent of historical grazing on allotments and included a review of the following factors:

1. **Priority Use.** The planning area had a "priority period" of 1929-1934, the 5-year period immediately preceding enactment of the Taylor Grazing Act. All priority period use claims were subject to validation and constituted a primary permit preference limitation.
2. **Base Property Production.** All BLM Field Offices imposed a minimum base property requirement, predicated either on land or water. Assets such as privately owned base property, hay fields, hay stacks, pastures, water rights, and water flows were measured, and production was calculated. If the existing grazing allocation exceeded the maximum allowable base property production ratio, the grazing permit was subject to reduction.
3. **Public Land Carrying Capacity.** During the adjudication period, a one-point-in-time carrying capacity survey was conducted of all grazing allotments. After meeting the first two tests, if the existing grazing allocations exceeded the surveyed carrying capacity, the grazing permit was subject to reduction.

The collective effect of applying these three limiting factors determined the amount of "adjudicated grazing privileges." Adjudicated permits also were referred to as "Base Property Qualifications" that were subject to change and refinement as further site specific information became available.

The Post Adjudication Period (Mid-1960s to 1980)

There is no clear point in time when the "Adjudication Period" ended, but for the purposes of this RMP, the period between 1965 and 1979 is defined as the "Post Adjudication Period." This coincides with the completion of adjudication in the planning area in 1965 and the beginning of the "Evaluation Period" in 1980.

The post-adjudication period saw the formal implementation of "grazing management" by the BLM. Grazing management systems were developed and incorporated into allotment management plans. As allotment management plans were implemented, a second round of grazing permit adjustments generally occurred. This management phase was well underway by the mid-1960s in the planning area. It progressed at an accelerated rate until the mid-1970s when the Natural Resources Defense Council lawsuit required a shift in management toward the development of EISs.

Most animal unit month reductions during this period were based on results of BLM Soil-Vegetation Inventory Method surveys reported in the earliest grazing EISs. BLM began a program based on utilization and vegetation trend monitoring. Resultant data are used to evaluate whether or not grazing practices have been successful at meeting objectives established in resource management plans, rangeland program summaries, and allotment management plans.

The Evaluation Period (1980 to Present)

In 1986, the BLM Washington office issued Instructional Memorandum 86-706. This memorandum instructed that monitoring evaluations be conducted of all "I" and "M" management category allotments¹. Allotment evaluations have been completed on 102 allotments since 1990. Each allotment evaluation has resulted in either grazing agreements, issuance of grazing decisions, or documentation to the allotment file concerning grazing management. In 1989, the Nevada State BLM Office issued Instructional Memorandum 268. This memorandum focused on compliance with Washington Office Instructional Memorandum 86-706 and other existing laws and regulations pertinent to this change in policy. Instructional Memorandum NV 89-268 (Revised) specifies how each Field Office shall conduct the evaluation process. Since these directives were issued, there has been a new prioritization of goals. Priorities changed to include allotments containing wild horse herd management areas. This allows for the resolution of resource conflicts between wild horses and livestock, and to the establishment of appropriate management levels for wild horses. Currently assessments and evaluations are conducted at the watershed and allotment scale to determine if the standards and fundamentals for rangeland health are being achieved.

As monitoring results became available, allotment evaluations were completed. This process used to determine if existing multiple uses for allotments are meeting or making progress towards meeting land use plan objectives, allotment specific objectives, Rangeland Program Summary objectives, and land use plan decisions, in addition to the standards and guidelines for grazing administration. Each allotment evaluation concluded with specific management recommendations. Management changes were implemented in the following years, either through agreement or decision. The most frequent management actions occurring as a result of these evaluations include reduction in preference and other changes in grazing management such as implementation of a grazing system, or change in season of use.

3.16.1 Existing Conditions

All livestock grazing allotments within the planning area are classified as perennial allotments. Term permits authorize grazing use based on perennial vegetation. Livestock grazing allotments within the northern portion of the planning area are within the Great Basin ecological system. Livestock grazing allotments within the southern portion of the planning area, primarily the southern portion of Lincoln County, are within the Mojave Desert ecological system.

The Mojave Desert is made up of ecological systems of limited distribution and size that support unique sensitive/endemic species or communities, and of ecological systems that have low resiliency to environmental stress or disturbance.

Grazing preference is attached to base property owned or controlled by a permittee or lessee. Base property within the planning area includes both land and water. The majority of base properties within the planning area are land base properties. Land base or water base were designated as per the Special Rule

¹BLM initiated a selective management process to prioritize expenditures of limited range management funds. Allotments were grouped into categories according to their resource potential, current management status, and complexity of resource issues. Allotments classified as "I" were to be managed to Improve current condition; allotments classified as "M" were to be managed to Maintain satisfactory conditions; allotments classified as "C" were to be managed Custodially while protecting existing resource values.

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affecting the planning area. The Special Rule for classification of base properties, in Nevada Grazing District No. 4, was approved February 21, 1945. This Special Rule states in pertinent part: "A proper factual showing of its necessity having been made by the regional grazer and it having been found that local conditions in Nevada Grazing District No. 4 make necessary the application of a special rule for the classification of base properties in order to better achieve an administration consistent with the purposes of the act, either land or water only, or a combination of land and water, may be classified as base property for a single livestock operation in that district. In instances in which a combination of land and water is so recognized, the following further classification will be made: Class 1. Land dependent by use and full-time prior water. Class 2. Land dependent by location and full-time water." Land base properties within the planning area range from less than one hundred to several thousand acres. Water base property is privately owned water that is suitable and available for consumption by livestock.

In contrast, the Caliente portion of the planning area is subject to procedures applicable to Nevada Grazing District No. 5 rather than the Ely Special Rule. Thus, grazing allotments in the old Caliente Resource Area can be either land or water based but not both.

Livestock grazing is actively administered on 240 grazing allotments within the planning area (see **Table 2.4-15** and **Table 2.4-16**). The following describes administration of these allotments.

- There are 234 allotments that are administered by the Ely Field Office and Caliente Field Station combined.
- There are 5 allotments that are administered by other field offices in Nevada. They are Corta, Goshute Mountain, McDermitt Creek, Red Bluff, and White Pine Seeding.
- One allotment (Terry Allotment) is administered by the St. George Field Office.
- There are 6 allotments adjudicated as trail allotments that are included in the 234 allotments.
- Eight allotments were transferred to the BLM from the U.S Forest Service through the White Pine County Conservation, Recreation, and Development Act of 2006 and are included in the 234 allotments. Three of these allotments are actively managed by the BLM. They are the Murphy Wash, Shingle Creek and Strawberry Creek Allotments. The BLM administers livestock grazing on the previous U.S. Forest Service portions of these allotments. Portions of the Murphy Wash and Shingle Creek allotments also are located on and administered by the Great Basin National Park. The Strawberry Creek Allotment includes that portion of the allotment previously administered by the U.S Forest Service and does not include the portion administered by the Great Basin National Park. The Strawberry Creek Allotment administered by U.S Forest Service has been combined with the Sacramento Pass Allotment. Five additional allotments (Lexington, Big Wash, Snake Creek, Soap Creek and Chokecherry) were closed by the U.S. Forest Service. Portions of the Lexington, Big Wash, Snake Creek and Soap Creek allotments are located within and administered by the Great Basin National Park. Availability of the portions of these allotments administered by the BLM will be determined.

The following allotments are unavailable to livestock grazing or no longer exist:

- The Beacon, Sand Hollow, and Rox-Tule allotments are completely unavailable to livestock grazing as a result of the 2000 Caliente MFP amendment for management of desert tortoise habitat.
- Portions of six allotments were made partially unavailable to livestock grazing as a result of the 2000 Caliente MFP Amendment for Management of Desert Tortoise Habitat. They are the Breedlove, Delamar, Gourd Springs, Mormon Peak, Grapevine, and Lower Lake East allotments.
- Three allotments no longer exist as a result of the Mesquite Land Sale in 2006 (Flattop Mesa, Jackrabbit, and Pulcipher Wash).
- One allotment (Fort Ruby) was made unavailable to livestock grazing due to the White Pine County Conservation, Recreation, and Development Act in 2006.
- The Private/Utah Allotment above Beaver Dam State Park is unavailable to livestock grazing.

Other allotments changed as a result of the White Pine County Conservation, Recreation, and Development Act of 2006 are listed below.

- Indian Jake Allotment – 1,725 acres transferred to U.S Forest Service. Total acres changed from 48,893 acres to 47,168 acres.
- Tom Plain Allotment – 4,164 acres transferred to U.S. Forest Service. Total acres changed from 81,203 acres to 77,039 acres.
- Dark Peak Allotment – 1,870 acres transferred to tribal lands. Total acres changed from 21,347 acres to 19,477 acres.

There currently are 142 livestock permittees that hold term permits authorizing livestock grazing on the public lands within the planning area (73 permittees with the Ely Field Office and 69 permittees with the Caliente Field Station). Livestock grazing is administered on 132 allotments by the Ely Field Office and on 102 allotments by the Caliente Field Station. There are currently 129 cattle operators and 10 sheep operators in the planning area. All livestock grazing is authorized under Section 3 permits of the "Taylor Grazing Act."

Total active use for the planning area is 545,267 animal unit months. Total suspended use is approximately 190,000 animal unit months. The majority of the livestock grazing authorized is for cattle grazing of which the total number of active animal unit months is approximately 400,000. Total active use is approximately 137,000 animal unit months for sheep and 427 animal unit months for domestic horses. Authorized grazing use including both cattle and sheep for the period 1998 to 2006 ranged from 160,025 animal unit months to 271,354 animal unit months. Essential grazing allotment information is maintained in the BLM Rangeland Administration System Database. Relevant information for the allotments in the planning area is presented

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in **Tables 2.4-15** and **2.4-16**. Over recent years, particularly since 1996, actual use has been reduced due to the impacts of drought. Actual use also fluctuates based on economic conditions. On most allotments in recent years, the Ely Field Office has approved permittee applications, or has required permittees, to use less forage than the active use authorized by their term permits. In limited situations in those years when forage for livestock remains following use of the forage authorized by the term grazing permit, the Ely Field Office has authorized use on a temporary and nonrenewable basis. Temporary nonrenewable is authorized provided it is consistent with multiple use objectives and multiple uses of the allotment.

The majority of the public land cattle operations within the planning area run between 100 to 500 head of livestock. Some of the larger operations run up to 1,000 head. The typical sheep operation ranges in size up to approximately 4,000 sheep.

Grazing allotments within the planning area range in size from approximately 300 acres to 1,000,000 acres with the average of approximately 269,723 acres in size. The larger cattle and sheep operators graze on several allotments while many of the smaller operations include only one allotment. Some of the larger livestock grazing operations include 10 to 15 allotments. Actual animal unit months for the larger operators ranges from approximately 14,000 to 30,000 animal unit months annually. Currently there are 9 operators that graze a total of 87 allotments with a total cumulative active use of 204,225 (38 percent) of the total active animal unit months (535,487) for the planning area.

Allotment grazing periods of use within the planning area vary and include both seasonal or yearlong. Seasons include fall/winter/spring period and spring/summer/fall period. Grazing systems may include rest-rotation, deferred rotation, and deferred rest-rotation. A few allotments also graze under the principles of Holistic Resource Management. Allotments that are grazed seasonally include herding of cattle and sheep between public land allotments, base property, other leased or private pasture and U.S. Forest Service-administered lands.

Most of the allotments categorized as yearlong grazing are associated with the larger year-round operators that graze on several allotments. In these cases, individual allotments typically are grazed seasonally and livestock are moved between pastures, allotments, base property or other pasture based on the season or period of use developed for the grazing system. Allotments have specific periods of use and livestock are moved from one allotment to another based on the periods of use. The majority of the sheep operations include grazing use on several allotments.

Yearlong grazing use does occur on single allotments. Allotments are divided into separate use pastures. Livestock are moved between use areas, base property, or other private pasture based on seasonal use. Livestock are moved or rotated from one use area or pasture of the allotment to another. Areas of grazing use also may be deferred or rested from one year to the next depending on the grazing schedule for the allotment. Livestock distribution is controlled by various methods including water locations, herding, and fencing.

Some allotments are grazed in common by two or more livestock permittees. Livestock are either mixed together in the same use area or graze in separate use areas of the allotment. Authorized grazing use is in accordance with established use periods or seasons of use for the allotment.

3.16.2 Trends

Over recent years, particularly since 1996, stocking levels have been reduced due primarily to the impacts of drought. Active use also has fluctuated based on economic conditions. Total active use is 535,357 animal unit months. Authorized grazing use including both cattle and sheep for the period 1998 to 2006 ranged from 160,025 animal unit months to 271,354 animal unit months. Total licensed grazing use for the 10-year period from 1992 to 2006 is shown in **Table 3.16-1**.

Table 3.16-1
Licensed Grazing Use in the Planning Area from 1992 to 2006

| Year | Licensed Animal Unit Months |
|------|-----------------------------|
| 1992 | 194,823 |
| 1993 | 168,620 |
| 1994 | 165,649 |
| 1995 | 153,513 |
| 1996 | 122,204 ¹ |
| 1997 | 173,152 |
| 1998 | 271,354 ² |
| 1999 | 256,895 |
| 2000 | 258,496 |
| 2001 | 262,332 |
| 2002 | 206,707 ¹ |
| 2003 | 173,662 |
| 2004 | 160,025 |
| 2005 | 195,846 |
| 2006 | 196,198 |

¹ Severe drought in 1996 and similar conditions since 2002 caused a decline in licensed use.

² In 1998, the Caliente Field Office was transferred from the jurisdiction of the Las Vegas Field Office to the Ely Field Office accounting for the additional 98,000 animal unit months.

3.16.3 Current Management

Allotment evaluations and watershed analyses are being conducted to determine if the standards and fundamentals for rangeland health are being achieved, primarily with grazing term permit renewal. A determination also is made to determine if current livestock management is maintaining or progressing toward the achievement of standards for rangeland health and if current livestock management is a significant factor in failing to achieve the standards. Following completion of the allotment evaluation and determination process, all grazing term permits currently are, and will continue to be, fully processed using information from the land health standard evaluation, as needed, to complete watershed analysis (see Appendix A for a description of the watershed analysis process).

Ely Field Office rangeland specialists and other qualified personnel, including U.S. Fish and Wildlife Service biologists, make regular site visits to Mojave Desert allotments that are actively grazed by livestock to ensure compliance with the terms and conditions of the Record of Decision for the Caliente MFP

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Amendment and the stipulations of the grazing license. Any items in noncompliance are rectified by the Ely Field Office and reported to the U.S. Fish and Wildlife Service.

Rangeland Health Standards assessments would continue at the watershed and allotment scale to determine if the standards and fundamentals for rangeland health are being achieved. Implementation of the guidelines for grazing administration would be in accordance with the BLM Manual Section 4180, its accompanying Rangeland Health Standards Handbook H-4180-1 and Title 43 Code of Federal Regulations Subpart 4180. Allotment specific objectives may have to be developed, amended or quantified and terms and conditions of permits changed or revised to reflect the standards and guidelines. Watershed analyses and the allotment evaluations associated with these would continue to be completed based on Ely Field Office priorities. During the supervision and/or monitoring of an allotment, if it is determined that the existing terms and conditions of a grazing permit are not in conformance with the approved standards and guidelines and that current livestock grazing is determined to be a significant factor in the nonattainment of a standard, grazing management practices or the current levels of the grazing use would be changed or existing terms and conditions of the permit/lease would be modified. These changes or modifications would be in accordance with established procedures to ensure that the grazing management practices or the levels of the grazing use are in conformance with the guidelines.

Range improvement projects include construction and maintenance of various improvement projects in cooperation with grazing permittees and other agencies. Range improvement projects generally fall into one of two categories: 1) structural projects, such as fences, gates, cattleguards, pipelines, and water developments; and 2) restoration activities that include rangeland seedings following fire, brush control, insect infestations, or other disturbances.

Range projects or improvements constructed for livestock grazing management and related purposes are shown in **Table 3.16-2**. While only a portion of these improvements have been completed with the specific objective of benefiting livestock, most of them contribute to the effective management of livestock on the allotments involved.

Table 3.16-2
Summary of Range Improvement Projects in the Planning Area from 1958 to 2004

| Range Improvement (Units) | Benefiting Livestock | Benefiting Watersheds | Benefiting Wildlife | Benefiting Other¹ | Total² |
|----------------------------------|-----------------------------|------------------------------|----------------------------|-------------------------------------|--------------------------|
| Seeding (acres) | 16,564 | 17,765 | 1,170 | 206,598 | 242,097 |
| Chainings (acres) | 4,981 | 3,300 | 8,452 | 10,694 | 27,427 |
| Burned or sprayed (acres) | 960 | 0 | 0 | 3,560 | 4,520 |
| Furrow or trench (acres) | 0 | 627 | 0 | 0 | 627 |
| Plowed (acres) | 0 | 1,000 | 0 | 0 | 1,000 |
| Fire rehabilitation (acres) | 0 | 1,360 | 0 | 35,730 | 37,090 |
| Fences (miles) | 1,532 | 259 | 41 | 1,640 | 3,438 |
| Corrals (number) | 85 | 0 | 0 | 37 | 122 |
| Cattleguards (number) | 245 | 50 | 1 | 163 | 448 |
| Wells (number) | 91 | 5 | 1 | 195 | 292 |
| Spring development (number) | 80 | 8 | 1 | 65 | 154 |
| Reservoirs (number) | 91 | 4 | 0 | 106 | 201 |
| Pipelines (miles) | 320 | 60 | 0 | 163 | 541 |
| Water hauls, troughs (number) | 106 | 0 | 6 | 0 | 100 |
| Guzzlers (number) | 0 | 0 | 80 | 0 | 80 |

¹ Benefiting Other refers to range improvement projects listed in the Ely Field Office database that have not been identified as being conducted specifically for one of the three other resource categories shown here.

² Some improvement projects may benefit multiple categories, therefore, totals may not match the sum of the columns.